



Order Filed on February 20, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

801257  
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856-813-5500  
Attorneys for Secured Creditor: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-H

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

In Re:

HEICEL G. RODRIGUEZ

Case No: 17-32313 - ABA

Hearing Date: February 28, 2018

Judge: ANDREW B. ALTENBURG, JR.

**CONSENT ORDER RESOLVING DEBTOR'S PROPOSED STRIP  
OF SECURED CREDITOR'S LIEN**

The consent order set forth on the following pages, numbered two (2) through three (4)  
is hereby **ORDERED**.

**DATED: February 20, 2018**

  
\_\_\_\_\_  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

**NJID 801257**

PHELAN HALLINAN DIAMOND & JONES, PC

400 Fellowship Road, Suite 100

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Attorneys for THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-H

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY

IN RE:

CASE NO. 17-32313 - ABA

Heicel G. Rodriguez

CHAPTER 13

Debtors

Hearing Date: February 28, 2018

JUDGE: ANDREW B. ALTENBURG, JR.

**CONSENT ORDER RESOLVING DEBTOR'S PROPOSED STRIP  
OF SECURED CREDITOR'S LIEN**

With regards to the real property located at 2130 South Union Road, Vineland, NJ 08361 (the "Mortgaged Property"), it is hereby stipulated by and between Phelan Hallinan Diamond & Jones, LLP, counsel for the mortgagee THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-H, and Seymour Wasserstrum, Esquire, counsel for the Debtor mortgagor, as follows:

1. THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-H claim shall be allowed as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtor's Chapter 13 Plan.

2. The avoidance of THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-H's second lien is contingent upon the Debtor's completion of the Chapter 13 plan and the Debtor's receipt of a

Chapter 13 discharge.

3. THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-H shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtor's Chapter 13 case or the conversion of the Debtor's Chapter 13 case to any other Chapter under the United States Bankruptcy Code.

4. Each party shall bear their own attorney's fees and costs incurred in the present case.

5. In the event that the Subject Property is destroyed or damaged, pursuant to the Mortgage, BANK OF AMERICA, N.A. THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-H is entitled to its full rights as a loss payee with respect to the insurance proceeds and has a security interest in such proceeds up to the entire balance due on the Mortgage.

6. In the event that any entity, including the holder of the first lien on the Subject Property, forecloses on its security interest and extinguishes Creditor's lien prior to the Debtor's completion of the Chapter 13 Plan, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-H's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.

7. THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-H shall retain its lien for the full amount due under the subject loan should the subject property be sold, or should a refinance take place prior to the Chapter 13 plan completion and entry of a Discharge.

The undersigned hereby consent to the form,  
Content and entry of the within Order:

PHELAN HALLINAN DIAMOND & JONES, PC

Attorneys for Secured Creditor: THE BANK OF NEW YORK MELLON FKA THE BANK OF  
NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS  
TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC.,  
CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-H

Dated: 2/16/18

/s/ Sherri J. Braunstein  
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Dated: 2/16/18

/s/ Seymour Wasserstrum  
Seymour Wasserstrum, Esquire  
Attorney for debtors  
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